IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7274 OF 2005

Shri Vaiju Chandru Shinde & Anr. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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WITH

WRIT PETITION NO.7275 OF 2005

Shri Pandu Omanna Sutar : Petitioner

V/s.

The State of Maharshtra & Ors. : Respondents

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WRIT PETITION NO.7276 OF 2005

Shri Maruti Khemanna Gavada : Petitioner

V/s.

The State of Maharshtra & Ors. : Respondents

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WRIT PETITION NO.7277 OF 2005

Shri Lumanna Shimanna Gavada : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7278 OF 2005

Shri Bharmu Kedari Gavada/Patil,
deceased his heirs
1. Smt.Savitribai Bharmu Gavade/Patil
& Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7279 OF 2005

Shri Dhanu Yashwant Shinde & Anr. : Petitioners

V/s.

The State of Maharshtra & Ors. : Respondents

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WRIT PETITION NO.7280 OF 2005

Shri Maruti Budyappa Gavade & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7281 OF 2005

Shri Dhakalu Gundu Kamble : Petitioner

V/s.

The State of Maharshtra & Ors. : Respondents

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WRIT PETITION NO.7282 OF 2005

Smt.Devaki W/o. Vasudev Kamble & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7283 OF 2005

Shri Laxman Babu Gavada (died)
his legal representative:
1a) Babu Laxman Gavada & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7293 OF 2005

Shri Tukaram Kedari Gavada : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7294 OF 2005

Laxmi Rukmanna Gavada : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7295 OF 2005

Shri Durga Bhiku Gavada & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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WRIT PETITION NO.7296 OF 2005

Shri Dattu Khachu Gavada & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

AND

WRIT PETITION NO.7297 OF 2005

Shri Narayan Vyanku Kangurkar, deceased
his heirs:
Smt.Tulsabai Narayan Kangurkar & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.S.M.Sabrad for the petitioners.

Mr.M.H.Solkar, Asstt. Govt. Pleader for the respondents.

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CORAM : S.A. BOBDE, J.

October 21, 2005.

P.C.

1. Rule, returnable forthwith.

Mr.Solkar, the learned Asstt. Govt. Pleader, appears and waives service of rule on behalf of the respondents.

Heard by consent.

2. The petitioners are aggrieved by the order dated 4.12.2003 rejecting their applications under section 28A

of the Land Acquisition Act, 1894, hereinafter referred to as the "Act". The learned counsel for the petitioners has challenged this order on the ground that though they were entitled to be heard under section 28A, they were not heard. The submission seems to be correct, on a perusal of the order. More over, the learned counsel for the petitioners pointed out that the impugned order against which review was also rejected is vitiated on account of the fact that the Special Land Acquisition Officer has referred to Land Reference no.56/84 against which First Appeal no.69 of 1991 was filed in this Court, whereas, in fact, that reference is not connected to the present reference number, viz., Land Reference no.27/85 on which the petitioners rely. It is not necessary to consider the correctness of this submission of the petitioners. This argument can be made before the Land Acquisition Officer on remand, after the impugned order is set aside. Hence, in view of non-compliance of the principles of natural justice as required by section 28A and in view of the order of this Court in Writ Petition no.1789 of 2004 with Writ Petition no.2225 of 2004 decided by D.B.Bhosale,J. on 28.9.2004, the impugned order is set aside. The matter is remanded back to the Special Land Acquisition Officer for a fresh consideration, after giving an opportunity to the petitioners. The Special Land Acquisition Officer is directed to decide the matter within a period of 12 weeks

from the date the petitioners appear before him. The petitioners are directed to appear before the Special Land Acquisition Officer on 14.11.2005.

3. The rule is made absolute in the above terms.

Sd/-

S.A. BOBDE, J.